

The Gazette of India



EXTRAORDINARY
PUBLISHED BY AUTHORITY

NEW DELHI, WEDNESDAY, DECEMBER 31, 1947

Separate pages is given to this Part in order that it may be filed as a separate compilation

PART IV

Acts of the Dominion Legislature assented to by the Governor General

GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 31st December, 1947

The following Acts of the Dominion Legislature received the assent of the Governor General on the 31st December, 1947, and are hereby promulgated for general information :—

ACT No. XLVIII OF 1947

An Act to constitute an Indian Nursing Council

WHEREAS it is expedient to constitute an Indian Nursing Council in order to establish a uniform standard of training for nurses, midwives and health visitors

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Indian Nursing Council Act, 1947.

(2) It extends to all the Provinces of India.

(3) It shall come into force at once.

2. Interpretation.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “ the Council ” means the Indian Council of Nursing constituted under this Act;

(b) “ prescribed ” means prescribed by regulations made under section 16 ;

(c) “ Provincial Council ” means a Council (by whatever name called) constituted under the law of a Province to regulate the registration of nurses, midwives or health visitors in the Province ;

(d) “ Provincial register ” means a register of nurses, midwives or health visitors maintained under the law of a Province.

3. Constitution and composition of the Council.—(1) The Central Government shall as soon as may be constitute a Council consisting of the following members, namely :—

(a) one nurse enrolled in a Provincial register elected by each Provincial Council ;

(b) one member elected from among themselves by the heads of institutions in which training is given in nursing administration to nurses enrolled in a Provincial register;

(c) one member elected from among themselves by the heads of institutions in which health visitors are trained;

(d) one member elected by the Medical Council of India;

(e) one member elected by the Central Council of the Indian Medical Association;

(f) one member elected by the Council of the Trained Nurses Association of India;

(g) one midwife enrolled in a Provincial register, elected by each Provincial Council in rotation in the following order, namely :—

(i) Bombay, West Bengal, and East Punjab

(ii) Madras, the United Provinces, and Orissa

(iii) the Central Provinces and Berar, Bihar and Assam;

(h) the Director General of Health Services, *ex officio*;

(i) the Chief Principal Matron, Medical Directorate, General Headquarters, *ex officio*;

(j) the Chief Nursing Superintendent, office of the Director General of Health Services, *ex officio*;

(k) the Director of Maternity and Child Welfare, Indian Red Cross Society *ex officio*;

(l) the Chief Administrative Medical Officer of each Governor's Province or if the Provincial Government in any case so directs, the Superintendent of Nursing (by whatever name called) in the office of the Chief Administrative Medical Officer of the Province, *ex officio*;

(m) four Provincial Directors of Public Health, *ex officio*, in rotation in the following order, namely :—

(i) Madras, the United Provinces, the Central Provinces and Berar, and Bihar,

(ii) Bombay, West Bengal, East Punjab, and Assam;

(n) four members nominated by the Central Government, of whom at least two shall be nurses, midwives or health visitors enrolled in a Provincial register and one shall be an experienced educationalist;

(o) two members elected by the Central Legislature.

(2) The President of the Council shall be elected by the members of the Council from among themselves:

Provided that for five years from the first constitution of the Council the President shall be a person nominated from amongst the members of the Council by the Central Government, who shall hold office during the pleasure of the Central Government.

(3) No act done by the Council shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Council.

4. Incorporation of the Council.—The Council constituted under section 3 shall be a body corporate by the name of the Indian Nursing Council, having perpetual succession and a common seal, with power to acquire property both movable and immovable, and shall by the said name sue and be sued.

5. Mode of elections.—(1) Elections under sub-section (1) of section 3 by Provincial Councils shall be conducted in accordance with rules made in this behalf by the respective Provincial Governments, and where any dispute arises regarding any such election it shall be referred to the Provincial Government concerned whose decision shall be final.

(2) Other elections under that sub-section shall be conducted in the prescribed manner, and where any dispute arises regarding any such election it shall be referred to the Central Government whose decision shall be final.

6. Term of office and casual vacancies.—(1) Subject to the provisions of this section, an elected or nominated member, other than a nominated President, shall hold office for a term of five years from the date of his election or nomination or until his successor has been duly elected or nominated, whichever is longer.

(2) An elected or nominated member may at any time resign his membership by writing under his hand addressed to the President, and the seat of such member shall thereupon become vacant.

(3) An elected or nominated member shall be deemed to have vacated his seat if he is absent without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council where the interval between the first and third of the said meetings exceeds six months.

(4) A casual vacancy in the Council shall be filled by fresh election or nomination, as the case may be, and the person elected or nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was elected or nominated.

(5) Members of the Council shall be eligible for re-election or re-nomination.

(6) Members of the Council being Provincial Directors of Public Health should be deemed to be nominated members for the purposes of this section.

7. Meetings.—(1) The Council shall hold its first meeting at such time and place as may be appointed by the President, and thereafter the Council shall meet at such time and place as may be appointed by the Council.

(2) Until otherwise prescribed, ten members of the Council shall form a quorum and all the acts of the Council shall be decided by a majority of the members present and voting.

8. Officers, committees and servants of the Council.—(1) The Secretary of the Council (who may also, if it is deemed expedient by the Council, act as Treasurer) shall, for three years from the first constitution of the Council, be a person appointed by the Central Government and shall hold office during the pleasure of the Central Government.

(2) The Council shall—

(a) elect from among its members a Vice-President ;

(b) constitute from among its members an Executive Committee and such other committees for general or special purposes as the Council deems necessary to carry out the purposes of this Act ;

(c) subject to the provisions of sub-section (1), appoint a Secretary, who may also, if deemed expedient, act as Treasurer ;

(d) appoint or nominate such other officers and servants as the Council deems necessary to carry out the purposes of this Act ;

(e) require and take from the Secretary, or from any other officer or servant, such security for the due performance of his duties as the Council deems necessary ;

(f) with the previous sanction of the Central Government, fix the fees and allowances to be paid to the President, Vice-President and members and the pay and allowances of officers and servants of the Council.

9. The Executive Committee.—(1) The Executive Committee shall consist of nine members, of whom seven shall be elected by the Council from among its members.

(2) The President and Vice-President of the Council shall be members *ex officio* of the Executive Committee, and shall be President and Vice-President, respectively, of that Committee.

(3) In addition to the powers and duties conferred and imposed upon it by this Act, the Executive Committee shall exercise and discharge such powers and duties as the Council may confer or impose upon it by any regulations which may be made in this behalf.

10. Recognition of qualifications.—(1) For the purposes of this Act, the qualifications included in the Schedule shall be recognised qualifications, and the qualifications included in Part II of the Schedule shall be recognised higher qualifications.

(2) Any authority within the Provinces of India which, being recognised by the Provincial Government for the purpose of granting any qualification, grants a qualification in general nursing, midwifery, health visiting or public health nursing, not included in the Schedule may apply to the Council to have such qualification recognised, and the Council may declare that such qualification, or such qualification only when granted after a specified date, shall be a recognised qualification for the purposes of this Act.

(3) The Council may enter into negotiations with any authority in any State or country outside the Provinces of India which by the law of such State or country is entrusted with the maintenance of a register of nurses, midwives or health visitors, for the settling of a scheme of reciprocity for the recognition of qualifications, and in pursuance of any such scheme the Council may declare that a qualification granted by any authority in any such State or country, or such qualification only when granted after a specified date, shall be a recognised qualification for the purposes of this Act:

Provided that no declaration shall be made under this sub-section in respect of any qualification unless by the law and practice of the State or country in which the qualification is granted persons domiciled or originating in any Province of India and holding qualifications recognised under this Act are permitted to enter and practise the nursing profession in that State or country:

Provided further that—

(i) any reciprocal arrangements subsisting at the date of the commencement of this Act between a Provincial Council and any authority outside India for the recognition of qualifications shall, unless the Council decides otherwise, continue in force, and

(ii) any qualification granted by an authority in any Indian State and recognised on the said date by a Provincial Council shall continue to be a recognised qualification for the purpose of registration in the Province until the expiry of three years from the said date, or until a scheme of reciprocity is concluded by the Council under this sub-section with the authority concerned, whichever is earlier.

(4) The provisions of sub-sections (2) and (3) and of sections 14 and 15 shall apply *mutatis mutandis* to the declaration by the Council of a qualification granted in respect of post-certificate nursing training as a recognised higher qualification.

11. Effect of recognition.—Notwithstanding anything contained in any other law,—

(a) any recognised qualification shall be a sufficient qualification for enrolment in any Provincial register;

(b) no person shall, after the date of the commencement of this Act, be entitled to be enrolled in any Provincial register as a nurse, midwife, health visitor, or public health nurse unless he or she holds a recognised qualification:

Provided that any person already enrolled in any Provincial register before the said date may continue to be so enrolled notwithstanding that he or she may not hold a recognised qualification:

Provided further that any person who was immediately before the said date entitled to be enrolled in any Provincial register but was not so enrolled shall, on application made in this behalf before the expiry of two years from the said date be entitled to be enrolled in that register;

(c) any person holding a recognised higher qualification shall be entitled to have the qualification entered as a supplementary qualification in any Provincial register in which he or she is enrolled, and after the said date no person shall be entitled to have entered as a supplementary qualification in any Provincial register any qualification which is not a recognised higher qualification.

12. Power to require information as to courses of study and training and examinations.—Every authority in any Province of India which grants a recognised qualification or a recognised higher qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and training and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualifications conferred, and generally as to the requisites for obtaining such qualification.

13. Inspections.—(1) The Executive Committee may appoint such number of inspectors as it deems necessary to inspect any institution recognised as a training institution, and to attend examinations held for the purpose of granting any recognised qualification or recognised higher qualification.

(2) Inspectors appointed under this section shall report to the Executive Committee on the suitability of the institution for the purposes of training and on the adequacy of the training therein, or as the case may be, on the sufficiency of the examinations.

(3) The Executive Committee shall forward a copy of such report to the authority or institution concerned, and shall also forward copies, with the remarks, if any, of the authority or institution concerned thereon, to the Central Government and to the Provincial Government and Provincial Council of the Province in which the authority or institution is situated.

14. Withdrawal of recognition.—(1) When, upon report by the Executive Committee, it appears to the Council—

(a) that the courses of study and training and the examinations to be gone through in order to obtain a recognised qualification from any authority in any Province of India, or the conditions for admission to such courses or the standards of proficiency required from the candidates at such examinations are not in conformity with the regulations made under this Act or fall short of the standards required thereby, or

(b) that an institution recognised by a Provincial Council for the training of nurses, midwives or health visitors does not satisfy the requirements of the Council,—

the Council may send to the Government of the Province in which the authority or institution, as the case may be, is situated a statement to such effect, and the Provincial Government shall forward it, along with such remarks as it may think fit to the authority or institution concerned and, in a case referred to in clause (b) to the Provincial Council also, with an intimation of the period within which the authority or institution may submit its explanation to the Provincial Government.

(2) On the receipt of the explanation or, where no explanation is submitted within the period fixed, then on the expiry of the period, the Provincial Government shall make its recommendations to the Council.

(3) The Council, after such further inquiry, if any, as it may think fit to make, and in a case referred to in clause (b) of sub-section (1), after considering any remarks which the Provincial Council may have addressed to it, may declare,—

(a) in a case referred to in clause (a) of that sub-section, that the qualifications granted by the authority concerned shall be recognised qualifications only when granted before a specified date, or

(b) in a case referred to in the said clause (b), that with effect from a date specified in the declaration any person holding a recognised qualification whose period of training and study preparatory to the grant to him of the qualification was passed at the institution concerned shall be entitled to be registered only in the Province in which the institution is situated.

(1) The Council may declare that any recognised qualification granted outside the Province of India shall be a recognised qualification only if granted before a specified date.

15. Mode of declarations.—All declarations under section 10 or section 14 shall be made by resolution passed at a meeting of the Council called for the purpose, and shall forthwith be published in the official Gazette.

16. Power to make regulations.—(1) The Council may make regulations not inconsistent with this Act generally to carry out the provisions of this Act, and in particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) the management of the property of the Council and the maintenance and audit of its accounts;

(b) the manner in which elections referred to in sub-section (2) of section 5 and in clause (a) of sub-section (2) of section 8 shall be conducted;

(c) the summoning and holding of the meetings of the Council, the times and places at which such meetings shall be held, the conduct of business thereat and the number of members necessary to constitute a quorum;

(d) prescribing the functions of the Executive Committee, the summoning and holding of meetings thereof, the times and places at which such meetings shall be held, and the number of members necessary to constitute a quorum;

(e) prescribing the powers and duties of the President and the Vice-President;

(f) prescribing the tenure of office and the powers and duties of the Secretary, inspectors, visitors and other officers and servants of the Council;

(g) prescribing the standard curricula for the training of nurses, midwives and health visitors, for training courses for teachers of nurses, midwives and health visitors, and for training in nursing administration;

(h) prescribing the conditions for admission to courses of training as aforesaid;

(i) prescribing the standards of examination and other requirements to be satisfied to secure for qualifications recognition under this Act;

(j) any other matter which is to be or may be prescribed under this Act.

(2) To enable the Council to be first constituted, the President may, with the previous sanction of the Central Government, make regulations for the conduct of the elections referred to in sub-section (2) of section 5, and any regulations so made may be altered or rescinded by the Council in exercise of its powers under this section.

17. Repeal of Ordinance XIII of 1947.—(1) The Central Nursing Council Ordinance, 1947, is hereby repealed.

(2) Anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall, so far as it is not inconsistent with this Act, be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act had commenced on the 13th day of August, 1947.

THE SCHEDULE

(See sections 10 and 11.)

PART I

Recognised qualifications

A—General Nursing—

Certificates (including senior and junior certificates) and Diplomas in Nursing issued by any of the following authorities, namely :—

1. The Examination Board appointed by the Government of Madras.
2. The Bombay Nurses, Midwives and Health Visitors Council.
3. The Bombay Presidency Nursing Association (when issued before the 1st day of January, 1936).
4. The Bengal Nursing Council.
5. The United Provinces State Medical Faculty.
6. The United Provinces Nurses and Midwives Council.
7. The State Board of Medical Examinations, United Provinces.
8. The Punjab Nurses Registration Council.
9. The Bihar Medical Examination Board.
10. The Bihar Nurses Registration Council.
11. The Central Provinces Medical Examination Board.
12. The Assam Nurses, Midwives and Health Visitors Council.
13. The Orissa Medical Examination Board.
14. The Mid-India United Board of Examiners for Nurses.
15. The Joint Missionary Board for Examination of Nurses (Marathi area).
16. The North India United Board of Examiners for Mission and other Hospitals.
17. The Examining Board of the Nurses Auxiliary of the Christian Medical Association of India (South India Branch).

B—Midwifery—

Certificates or Diplomas in Midwifery issued by any of the following authorities, namely :—

1. Any of the authorities mentioned in section A except item No. 17 thereof.
2. The Punjab Central Midwives Board.
3. The Mid-India United Board of Examiners for Midwifery.
4. The National Association for supplying female medical aid to the Women of India.

C—Health Visitors—

Health Visitors Certificates or Diplomas issued by any of the following authorities, namely :—

1. The Government Training School for Health Visitors, Madras.
2. The Sir John Anderson Health School, Calcutta.
3. The United Provinces State Medical Faculty.
4. The United Provinces Nurses and Midwives Council.
5. The Government Health School, Nagpur.
6. The Assam Nurses, Midwives and Health Visitors Council.
7. The Lady Reading Health School, Delhi.
8. The Bombay Nurses, Midwives and Health Visitors Council.
9. The Bengal Nursing Council.

PART II*Recognised higher qualifications*

Certificates or Diplomas in respect of post-certificate nursing training issued by the following authorities, namely :—

1. The Examination Board appointed by the Government of Madras.
2. The College of Nursing, Delhi.
3. The Bombay Nurses, Midwives and Health Visitors Council.
4. The Missionary Medical College School of Nursing, Vellore.

Act No. XLIX of 1947.

An Act to confer certain powers in respect of premises in the province of Delhi.

WHEREAS by reason of the shortage of accommodation in the Province of Delhi an emergency has arisen which makes it necessary to confer powers to requisition premises and to evict from Government premises persons continuing without authority to occupy those premises;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Delhi Premises (Requisition and Eviction) Act, 1947.

(2) It extends to the Notified area of the Civil Station (Delhi), to New Delhi and to Karolbagh area. The Central Government may by notification in the official Gazette extend this Act to such other area or areas in the Province of Delhi as may be specified therein.

(3) It shall come into force at once.

(4) It shall remain in force till the 31st day of December, 1949, but the Central Government may by notification in the official Gazette extend it for a further period of one year.

2. Interpretation.—In this Act, unless there is anything repugnant in the subject or context,—

(a) "compensation" includes—

- (i) rent payable in respect of the premises requisitioned under this Act,
- (ii) damages for any injury to the premises,
- (iii) expenses on account of vacating or re-occupying the premises consequent on requisition and de-requisition,
- (iv) pecuniary loss due to requisitioning;

(b) "competent authority" means the Estate Officer to the Government of India, and includes any other person authorised by the Central Government by notification in the official Gazette to perform all or any of the functions of a competent authority under this Act:

Provided that in respect of any function performable after the making of an order under sub-section (1) of section 3 or sub-section (1) of section 8, references to the competent authority shall be construed as references to the competent authority making that order;

(c) "landlord" has the meaning assigned to it in the Delhi and Ajmer-Merwara Rent Control Act, 1947 (XIX of 1947);

(d) "premises" means any building or part of a building and includes—

- (i) the garden, grounds and outhouses, if any, appertaining to such building or part of a building,
- (ii) any furniture supplied by the landlord for use in such building or part of a building, and
- (iii) any fittings affixed to such building or part of a building for more beneficial enjoyment thereof;

(e) "public purpose" means any purpose which is so declared by rules made under this Act;

(f) "tenant" means any person by whom or on whose account rent is payable for any premises and includes every person for the time being deriving title under a tenant and also every person remaining in possession of the premises leased to him after the termination of the lease.

3. Power to Requisition.—(1) Whenever it appears to the competent authority that any premises is needed or is likely to be needed for any public purpose it shall be lawful for him or for any other person, either generally or specially authorized by such authority in this behalf, after due notice to enter upon and inspect such premises for the purpose of determining whether and if so, in what manner an order under this section shall be made in relation to such premises or with a view to securing compliance with any order made under this Act.

(2) The competent authority, with a view to requisition any premises under this sub-section, may by an order—

- (a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the premises as may be so specified;
- (b) direct that the landlord, occupier or person in possession of the premises shall not without the permission of the competent authority dispose of or structurally alter the premises.

(3) Where the competent authority decides that it is necessary to requisition the premises for any public purpose he shall call upon the landlord and the tenant or the person in possession by notice in writing to show cause within seven days why the premises should not be requisitioned.

(4) If after considering the cause if any, shown by the landlord or the tenant or the person in possession the competent authority is satisfied that it is necessary to requisition the premises for any public purpose he may make an order in writing to that effect:

Provided that where a landlord or tenant is using any premises for the residence of himself or his family the competent authority shall as far as possible provide alternative accommodation which in the opinion of the competent authority is suitable.

(5) A notice under sub-section (3) and an order under sub-section (4) shall be served on the landlord and where the notice or the order relates to premises in occupation of the tenant also on such tenant by delivering or tendering to such landlord and tenant a copy of the notice and the order. But where the landlord or tenant is not readily traceable and the notice and the order cannot be served without undue delay or where ownership of the premises is in dispute the notice and the order shall be served by publishing it in the official Gazette and by affixing a copy thereof to any conspicuous part of the premises to which it relates.

4. Exclusion of certain premises from requisitioning.—Nothing in section 3 shall empower the competent authority to requisition premises which are exclusively used for the purpose of religious worship or which are in use for a school, orphanage, or hospital.

5. Appeal.—Any person aggrieved by an Order of Requisition may, within seven days from the date on which it is communicated to him, appeal from such order to the Chief Commissioner, Delhi, on the ground that the provisions of this Act relating to requisitioning have not been complied with.

6. Power to order vacation of premises.—(1) Where the competent authority requisitions any premises under this Act, he may by notice in writing order the existing tenant or occupier, if any, to vacate the premises within ten days of the receipt of the notice.

(2) If any person fails to comply with an order made under sub-section (1) he shall be deemed to be a trespasser and the Competent Authority may take possession of the premises requisitioned forthwith.

(3) The right to take possession under this section shall not be affected by reason of any appeal preferred against the order of Requisitioning.

7. Compensation.—(1) Where any premises are requisitioned under this Act, the amount of compensation shall be determined in the manner, and in accordance with the principles hereinafter set out, namely:—

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached, the Central Government shall appoint as arbitrator a person qualified for appointment as a Judge of a High Court;

(c) the Central Government may, in any particular case, nominate a person having expert knowledge as to the nature of the premises requisitioned, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose;

(d) at the commencement of the proceedings before the arbitrator, the Central Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;

(e) the arbitrator in making his award shall have regard to the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894 (I of 1894) so far as they can be made applicable;

(f) an appeal shall lie to the District Judge against an award of an arbitrator;

(g) save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitrations under this section.

(2) The compensation shall be paid by the competent authority to the person entitled thereto.

8. Rights and Liabilities of the Central Government.—(1) Where any premises are requisitioned under this Act, the Central Government—

(i) may use or deal with the premises for such purpose as may be mentioned in the Order of Requisition;

(ii) may, without prejudice, to the liabilities it may be subject to in respect thereof, transfer by way of sub-lease the whole or any part of such premises;

(iii) may order the landlord to execute necessary repairs or repairs usually made to premises in that locality and as may be specified in the notice, within such time as may be mentioned therein and if the landlord fails to execute any repairs in pursuance of such order, the competent authority may cause the repairs specified in the order to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the compensation payable to the landlord;

(iv) shall restore the premises in as good condition as they were in at the time when possession thereof was taken subject only to the changes caused by reasonable wear and tear and irresistible force;

(2) Where any premises requisitioned under this Act or any material part thereof, are wholly destroyed or rendered substantially and permanently unfit for the purpose for which they were let by reason of fire, tempest or flood or violence of any army or of a mob or other irresistible force, the requisition shall at the option of the Central Government be void.

Provided that if the injury is occasioned by the wrongful act or default of the Central Government the Central Government shall not be entitled to avail itself of the benefit of this section.

9. Release from requisition.—(1) Where any premises requisitioned under this Act are to be released from such requisition, the competent authority may, after such inquiry if any as he may in any case consider it necessary to make, specify by order in writing the person to whom possession of the premises shall be given.

(2) The delivery of possession of the premises to the person specified in an order under sub-section (1) shall be a full discharge of the Central Government from all liabilities in respect of the premises, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession is given.

10. Easements, etc., not to be disturbed.—No landlord or any contractor, workman or servant employed by him shall without the previous written consent of the competent authority or except for the purposes of effecting repairs or complying with a municipal requisition, wilfully disturb any convenience or easement attached to any premises requisitioned under this Act, or remove, destroy or render unserviceable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service provided for the premises.

11. Power to evict from Government premises for breach of terms of tenancy.—(1) Where the person in occupation of any premises belonging to, or taken on lease or requisitioned by, the Central Government, sublets without due authority the whole or any part of the premises or otherwise acts in contravention of any of the terms, express or implied, of his tenancy or other like relationship created by a grant from the Central Government in respect of the premises, or where any person is in occupation of any such premises without the authority of the Central Government, the competent authority may by notice served by post or otherwise, order such person or any other person found in occupation of the premises to vacate the premises within ten days of the receipt of the notice.

(2) Any person aggrieved by an order under sub-section (1) may within seven days of the receipt thereof appeal in writing to the Chief Commissioner, who may, after calling for a report from the competent authority and after making such further inquiry, if any, as he thinks fit, pass an order determining the appeal.

(3) Action may be taken under this section whether or not any proceedings for possession are pending in respect of the premises, and upon such action being taken the said proceedings shall forthwith be vacated.

12. Power to make rules.—(1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the power conferred by sub-section (1), rules made thereunder may provide for—

- (a) the procedure to be followed in arbitrations and appeals under section 7;
- (b) the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal under section 7;
- (c) the procedure to be followed by a competent authority in inquiries under section 9;
- (d) for defining what are public purposes;
- (e) the procedure to be followed in taking possession of the premises requisitioned;
- (f) the manner of service of notices and orders.

13. Saving as to orders.—(1) Except as otherwise provided for in this Act no order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall presume, within the meaning of the Indian Evidence Act, 1872 (I of 1872), that such order was so made by that authority.

14. Protection of action taken under this Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

(2) Save as is otherwise expressly provided in this Act, no suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

15. Application of other laws not barred.—(1) The provisions of this Act shall be in addition to and not in derogation of the provisions of the Delhi and Ajmer-Merwara Rent Control Act, 1947 (XIX of 1947).

(2) The provisions of this Act shall have effect notwithstanding anything contained in any other law or in any instrument having effect by virtue of any other law.

16. Repeal.—(1) The Delhi Premises (Requisition and Eviction) Ordinance, 1947 (XII of 1947), and the Delhi Premises (Requisition and Eviction) Amendment Ordinance, 1947 (XXI of 1947), are hereby repealed.

(2) Anything done or any action taken in exercise of any power conferred by or under either of the said Ordinances shall be deemed to have been done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 13th day of August, 1947.

Act No. L of 1947

An Act to amend the Delhi and Ajmer-Merwara Rent Control Act, 1947

WHEREAS it is expedient to amend the Delhi and Ajmer-Merwara Rent Control Act, 1947 (XIX of 1947), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Delhi and Ajmer-Merwara Rent Control (Amendment) Act, 1947.

2. Amendment of section 1, Act XIX of 1947.—In clause (a) of sub-section (2) of section 1 of the Delhi and Ajmer-Merwara Rent Control Act, 1947 (hereinafter referred to as the said Act), after the word “premises” the words “situated in the Province of Ajmer-Merwara” shall be inserted.

3. Amendment of section 2, Act XIX of 1947.—To clause (c) of section 2 of the said Act the following word and sub-clause shall be added, namely:—

“or

(iii) where the standard rent has been fixed under section 7A, the rent so fixed;”.

4. Amendment of section 7, Act XIX of 1947.—In sub-section (1) of section 7 of the said Act, after the word “premises” the words, figure and letter “other than premises to which the provisions of section 7A apply,” shall be inserted.

5. Insertion of new section 7A in Act XIX of 1947.—After section 7 of the said Act the following section shall be inserted, namely:—

“7A. *Special provisions relating to newly constructed premises in Delhi.*—The provisions set out in the Fourth Schedule shall apply to the fixation of rent and other matters relating to the premises in Delhi (hereinafter referred to as the newly constructed premises) the construction of which was not completed before the commencement of this section.”

6. Insertion of Fourth Schedule in Act XIX of 1947.—After the Third Schedule to the said Act the following shall be inserted as the Fourth Schedule, namely:—

“THE FOURTH SCHEDULE

(See section 7A)

Provisions relating to the fixation of rent and other matters in respect of newly constructed premises in Delhi

1. “Rent Controller” for the purposes of this Schedule means the person appointed by the Central Government as the Rent Controller.

2. If the Rent Controller on a written complaint or otherwise has reason to believe that the rent of any newly constructed premises is excessive, he may, after making such inquiry as he thinks fit, proceed to fix the standard rent thereof.

3. The Rent Controller in fixing the standard rent shall state in writing his reasons therefor.

4. In fixing the standard rent the Rent Controller shall take into consideration all the circumstances of the case including any amount paid or to be paid by the tenant by way of premium or any other like sum in addition to rent.

5. No. tenant holding any newly constructed premises under an existing lease or on terms otherwise agreed to between the tenant and the landlord, shall be required as a result of fixation of the standard rent to pay a rate of rent higher than that fixed in the lease or otherwise agreed to during the currency of an existing lease or an extension thereof, unless the tenant has agreed to some

addition, improvement or alteration being carried out in such premises on the understanding that he would pay higher rent and such higher rent is previously or at any subsequent time approved by the Rent Controller.

6. If at any time after the standard rent of any newly constructed premises has been determined under paragraph 2 it appears to the Rent Controller that subsequent to such determination some addition, improvement or alteration, not included in necessary repairs or repairs usually made to premises in that locality has been made to such premises at the landlord's expense, the Rent Controller may, after making such inquiry as he thinks fit, redetermine the standard rent thereof:

Provided that any increase in the standard rent allowed under this paragraph shall not exceed $7\frac{1}{2}$ per cent. of the cost of the addition, improvement or alteration and shall not be chargeable with effect from any date earlier than the date on which the addition, improvement or alteration was completed.

7. For the purposes of an inquiry under paragraphs 2, 5 and 6, the Rent Controller may—

(a) require the landlord to produce any book of account, document or other information relating to the newly constructed premises,

(b) enter and inspect such premises after due notice, and

(c) authorise any officer subordinate to him to enter and inspect such premises after due notice.

8. The standard rent shall in all cases be fixed by the Rent Controller as for a tenancy of twelve months:

Provided that where any newly constructed premises, the standard rent of which is fixed under this paragraph, is let or re-let for a period of less than twelve months, the standard rent for such tenancy shall bear the same proportion to the annual standard rent as the period of tenancy bears to twelve months:

Provided further that where such premises were so let or re-let by reason of the tenant being unwilling to take the same for twelve months, the standard rent for such tenancy shall be determined in accordance with the principles laid down in the Third Schedule.

9. If any dispute arises between a landlord and a tenant over the application of paragraph 8, the matter may be referred by either party to the Rent Controller for decision who shall state in writing his reasons therefor.

10. When the standard rent of any newly constructed premises has been determined—

(a) the landlord, or any person acting or purporting to act on behalf of the landlord, shall not claim or receive in consideration of the grant, renewal or continuance of a tenancy of such premises any premium, advance or other like sum in addition to rent or any rent in excess of the standard rent;

(b) any agreement for the payment of rent in excess of the standard rent shall be null and void in respect of such excess only;

(c) any agreement for the payment of any premium, advance or any like sum in addition to rent shall be null and void;

(d) any sum in excess of the standard rent and any premium, advance or any like sum in addition to the rent paid, whether before or after the coming into operation of this paragraph in respect of such premises shall be refunded to the person by whom it was paid or at the option of such person otherwise adjusted.

11. Any person aggrieved by an order of the Rent Controller may, within thirty days from the date on which the order is communicated to him, appeal to the District Judge, Delhi."

7. Repeal of Ordinance XVIII of 1947.—The Delhi and Ajmer-Merwara Rent Control (Amendment) Ordinance, 1947, is hereby repealed.

ACT No. LI OF 1947.

An Act further to amend the Indian Cotton Cess Act, 1923.

WHEREAS it is expedient further to amend the Indian Cotton Cess Act, 1923 (**XIV** of 1923), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Indian Cotton Cess (Amendment) Act, 1947.

2. Amendment of section 3, Act XIV of 1923.—In sub-section (1) of section 3 of the Indian Cotton Cess Act, 1923, the words "produced in India and either" and the proviso shall be omitted.

3. Amendment to have retrospective effect.—The amendment made by section 2 shall have effect as if this Act had come into force on the fifteenth day of August, 1947.

ACT No. LII OF 1947

An Act to provide for the extension of enactments to the province of Ajmer-Merwara.

WHEREAS it is expedient to provide for the extension of enactments to the Province of Ajmer Merwara;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Ajmer-Merwara (Extension of Laws) Act, 1947.

2. Extension of enactments to Ajmer-Merwara.—The Central Government may, by notification in the official Gazette, extend to the Province of Ajmer-Merwara with such restrictions and modifications as it thinks fit any enactment which is in force in any other Province at the date of such notification.

ACT No. LIII OF 1947.

An Act to provide for the Salaries of Ministers.

WHEREAS it is expedient to provide for the salaries of the Ministers of the Dominion of India and for matters connected therewith;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Salaries of Ministers Act, 1947.

(2) It shall come into force on the first day of January, 1948.

2. Definitions.—In this Act,—

(a) "Minister" means a Minister of the Dominion of India;

(b) "residence" includes the staff quarters and other buildings appurtenant thereto, and the gardens thereof;

(c) "maintenance" in relation to a residence includes the payment of local rates and taxes and the provision of electricity and water.

3. Salaries and allowances of Ministers.—With effect from the date on which this Act comes into force there shall be paid to each Minister a salary of three thousand rupees *per mensem*, and a sumptuary allowance of five hundred rupees *per mensem*.

4. Residences of Ministers.—(1) Each Minister shall be entitled, without payment of rent, to the use of—

(a) a fully furnished residence in New Delhi throughout his term of office and for a period of fifteen days immediately thereafter, and

(b) a fully furnished residence in Simla for such period or periods during the summer season of each year as the Governor General may by general or special order determine,

and no charge shall fall on the Minister personally in respect of the maintenance of either residence.

(2) Nothing in this section shall apply in respect of the use and occupation by any Minister of residences in New Delhi or Simla before the date on which this Act comes into force.

S. A. LAL,
Secy. to the Govt. of India.